

DISPOSITION: May 17, 1945. A plea of nolo contendere having been entered, the court imposed a fine of \$50 on each of 3 counts, a total fine of \$150.

1557. Misbranding of Yuk-Air Compound. U. S. v. 239 Bottles and 198 Bottles of Yuk-Air Compound, and a quantity of printed matter. Default decrees of condemnation and destruction. (F. D. C. Nos. 11939, 12025. Sample Nos. 49064-F, 59721-F.)

LIBELS FILED: March 10 and 23, 1944, Southern District of Indiana and Western District of Michigan.

ALLEGED SHIPMENT: By the Universal Drug Products, Inc., from Cleveland, Ohio. A portion of the product and printed matter was shipped on or about February 8, 1944, and the remainder of the product and part of the printed matter were shipped on or about February 18, 1944, with the remainder of the printed matter being shipped on or about February 21, 1944.

PRODUCT: 239 various-sized bottles of *Yuk-Air Compound* and 2,000 circulars entitled "Yuk-Air Daily," at Indianapolis, Ind.; and 198 various-sized bottles of the same product and 150 circulars of the same title, together with one placard imprinted "Laboratory Lecture Genuine Australian Eucalyptus Oil Yuk-Air No Colds All Winter" and 3 placards entitled "Genuine Australian Eucalyptus Oil," at Muskegon, Mich. Analysis showed that a portion of the product was a yellow liquid containing Eucalyptus and turpentine oils, while the remainder of the product consisted of a clear, colorless liquid containing, essentially, turpentine oil.

NATURE OF CHARGE: Section 505, the article was a new drug which should not have been introduced into interstate commerce since no application filed pursuant to Section 505 of the law was effective with respect to the article.

Misbranding, Section 502 (j), the article would be dangerous to health when used in the dosage suggested in the statements in the labeling, "Eucalyptus Oil * * * used in * * * ear oils," and "It may be used safely on any part of the body," since, when used in the ears, the article would cause injury; Section 502 (f) (1), the labeling of a portion of the article did not bear adequate directions for use in all conditions for which use of the article was suggested in its labeling and as interpreted by representations orally made on behalf of the manufacturer, namely, for application into the ears; Section 502 (f) (2), the labeling bore no warnings against allowing the article to get into the eyes, ears, or onto the mucous membrane, nor against continued use of the article if excessive irritation developed, which warnings are necessary for the protection of users of products containing turpentine; and, Section 502 (e) (2), the label of the article failed to bear the common or usual name of each ingredient since the designation "Oil of Pinene," borne on the label, is not the common or usual name of spirits of turpentine.

Further misbranding, Section 502 (a), certain statements in the labeling were false and misleading since the article would not be safe for use on every part of the body; it could not be used and rubbed on freely without fear of irritation of any kind; it was not an efficacious treatment for stiff joints and sore muscles due to exposure; it was not appropriate for use generally as a massaging or rubbing oil, as represented and suggested by the labeling; and the article was not Australian oil or Eucalyptus oil, as was implied, but was composed largely of turpentine oil produced domestically.

DISPOSITION: May 1 and 5, 1944. No claimant having appeared, judgments of condemnation were entered and the product and printed matter were ordered destroyed.

DRUGS ACTIONABLE BECAUSE OF FAILURE TO BEAR ADEQUATE DIRECTIONS OR WARNING STATEMENTS*

1558. Misbranding of Interferin. Two indictments: U. S. v. Don Keefer. Pleas of not guilty. Tried to the court; verdict of guilty. Sentences of 1 year in jail on each indictment. (F. D. C. Nos. 17800, 17801. Sample Nos. 17228-H, 20045-H.)

INDICTMENTS RETURNED: May 11, 1945, Northern District of Illinois, against Don Keefer, Chicago, Ill.

ALLEGED SHIPMENT: On or about November 27, 1944, and April 6, 1945, from the State of Illinois into the States of Indiana and Nebraska.

*See also Nos. 1553, 1556, 1557.